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# National Security Council of Mongolia promoting civil-military relations

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**NAVAL  
POSTGRADUATE  
SCHOOL**

**MONTEREY, CALIFORNIA**

**THESIS**

**NATIONAL SECURITY COUNCIL OF MONGOLIA-  
PROMOTING CIVIL-MILITARY RELATIONS**

by

Khasbazaryn Boldbat

March 2004

Thesis Advisor:  
Second Reader:

Lyman H. Miller  
Jeanne K. Giraldo

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**NATIONAL SECURITY COUNCIL OF MONGOLIA-  
PROMOTING CIVIL-MILITARY RELATIONS**

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Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
(CIVIL-MILITARY RELATIONS)**

from the

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## **ABSTRACT**

Since the end of the Cold War, Mongolia has enjoyed a new security environment that offers both a genuine opportunity to determine its national security and unavoidable uncertainties that accompany all transitions to democracy. Entering the new environment, the nation faced an urgent necessity to form new policies to meet those uncertainties and establish adequate institutions to implement them. Mongolia, as most small nations with greater vulnerability, sees its security in the greater view of emphasizing its survival in all dimensions with the physical endurance of not being invaded by a military force on the one hand, and survival of its ethnical identity from being assimilated by outnumbered neighbors on the other. Such a broad definition of national security requires participation of all elements of the society in the security process, thus an adequate system able to manage such broad involvement becomes vital. Mongolia has successfully managed to establish a relatively efficient and complex system for national security management. The NSC is the only state institution responsible for the coordination of the nation's effort to ensure its security. However, despite the clear definition of the legal status of the National Security Council provided by legal acts, there is a persistent incorrect popular feeling that the National Security Council is a presidential institution and that the President enjoys the prerogative of orchestrating the nation's effort to ensure its security. This thesis argues coordinative functions will be more efficient if the NSC will properly maintain its independent, non-attached status, and its immediate supportive institutions, the Executive Secretary and the Office, serve as non-partisan, independent, and purely professional units devoted to serving only the interests of national security.

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## I. INTRODUCTION

The disintegration of the communist bloc and the collapse of the former Soviet Union that constituted the end of the Cold War, allowed Mongolia, for the first time since the 17<sup>th</sup> century, to chart its own future, and explore new opportunities to determine its national security.

The new realities opened not only genuine opportunities for Mongolia to assert its sovereignty, but also brought several security uncertainties. Russia's strategic abandonment and the new rapprochement in relations between Russia and China have heightened the fragility of Mongolia's international security environment. Economic disintegration that resulted from the former broken ties caused a dramatic decrease in the standard of living, and unemployment, almost invisible during the former regime has raised triggering social unrest and accentuating internal instability.

The nation faced an urgent need to form new policies to meet those uncertainties and establish adequate institutions to implement them upon entering this new environment. The process of defining the nation's security concerns and the search for an institutional model capable of meeting the nation's effort to ensure its security, brought the National Security Council (NSC) into Mongolia's political scene as the consulting body responsible for coordinating the state's and societal endeavors to secure the nation's vital interests.

Despite this clear definition of the legal status of the National Security Council provided by the Mongolian legislature, there is the persistent incorrect popular feeling that the National Security Council is a presidential institution by which the President enjoys the prerogative of orchestrating the nation's effort to ensure its security. This sentiment usually associates the NSC with the President, typically not only ordinary citizens but also relatively high-ranking state officials speak of "the President's NSC" or "the NSC of the President".

This thesis argues that the President is vested by the Constitution with the power “to head the NSC”, is different from being “a primarily responsible” for national security. The NSC, the only institution possessing the coordinating functions within the national security system, should be the institution that stands on the crossroads of the nation’s pursuit of security.

**A. THESIS QUESTION AND IMPORTANCE OF THE TOPIC**

The purpose of this thesis is to examine ways to increase the effectiveness of the National Security Council of Mongolia as a whole and the constituent parts of its structure. It answers the main question of what role does the NSC play in Mongolia’s national security system? and the secondary question of what are the appropriate ways of increasing the effectiveness of the NSC?

National security issues always have been prioritized in the nation’s top policy making process requiring a thorough integration of all the elements of power the nation can bring to bear. Therefore, all the necessary activities of the prescribed contributors must be coordinated and properly orchestrated, in order to formulate an integrated and effective policy to ensure national security. This coordination is often vested in the National Security Council. However, its powers and functional prerequisites may differ greatly for a variety of reasons.

International practice shows that these differences depend upon a number of national characteristics including the degree of the nation’s vulnerability to external and/or internal threats, the definition of national interests, and the means available to secure them. Each nation, while creating its national security system, establishes a NSC or a similar institution to orchestrate the system, endowing it with different degrees of power, in-line with its capabilities. The degree of power that the NSC possesses to execute their primary functions needs to match the nation’s vision of its vital interests, and available means to secure them. However, if disparities occur, a significant decrease in the effectiveness of the NSC is unavoidable.

Mongolia, as a small state, sees its security beyond the narrow notion of this term, defining it in a broader spectrum as “safeguarding the freedom of citizens from various threats.” In this regard, Mongolia’s security concerns are not limited to the interests of the

state's existence, but include issues of guaranteeing the personal freedom of its citizens, economic and technological advancement, and ecological and ethnical survival of the society as well.

Having such broad security concerns, Mongolia has established a system that obligated all components of society, namely the legislature, the President, ministries and governmental agencies, judiciary, political parties, NGOs and citizens, to contribute to national security, defining by law the particular duties of each element. No one position was given precedence over the other within the system. The NSC is responsible for coordinating the efforts of the contributors and supervising the implementation of the state's integrated national security policy. In this regard, the effectiveness and operability of the entire system greatly depends on the effectiveness of the NSC which will depend on its ability to be "an honest broker" of the system and independent institution that act on the basic principles of upholding and protecting vital national interests. This thesis will examine the possible ways of maintaining and strengthening the current, independent and non-attached, status of the NSC.

## **B. METHODOLOGY**

The thesis will employ case studies to assess several aspects of the NSC, including its participation in the formulation of the Mongolian national security policies; and the National Security Council's statutory boundaries and structure compared to similar institutions in the United States and the Czech Republic. The main sources used by this thesis will consist of theoretical and secondary reading materials from the Knox Library of the Naval Postgraduate School (NPS), available printed materials from governmental institutions of Mongolia, materials from electronic sources of CCMR, at NPS, the Geneva Center for Civil-Military Relations, Lexis-Nexis and ProQuest.

## **C. CHAPTER BY CHAPTER SUMMARY**

The thesis is organized into four chapters.

The Introduction includes the thesis question, prescriptions on the importance of this topic and major proposals of the research work.

Chapter II discusses the changing national security environment of Mongolia that leading to the creation of the National Security Council. It also reviews the establishment

of democratic civil-military relations in Mongolia and the institutions of civilian oversight over the military – key developments accounting for the creation of the NSC. In addition to this historical background, the chapter explains the role that the NSC is expected to play in promoting vibrant civil-military relations and its capacity and responsibilities for improving and maintaining civilian control of the military.

Chapter III review the responsibilities assigned to the NSC as the supreme consultative body of the state, charged with the coordination, elaboration, and supervision of implementation of the integral state policy regarding national security in Mongolia. The chapter examine the extend to which the statutory boundaries of the NSC and elements of its structure, such as its members, executive secretary, advisors, non-permanent committees and staff, contribute to its ability to perform its coordinating role.

Chapter IV discusses different perspectives on improving the effectiveness of the NSC. It will compare the institutional design of the NSC with similar structures in the United States and the Czech Republic and suggest appropriate recommendations to improve the effectiveness of the NSC.

The conclusions, in addition to summarizing the arguments of the thesis, incorporate the findings of the three chapters into appropriate recommendations to increase the effectiveness of the NSC and strengthen its legal status.

## **II. THE NEED FOR NATIONAL SECURITY COUNCIL IN MONGOLIA: A VULNERABLE STATE TRANSITION TOWARD DEMOCRACY**

### **A. CHAPTER OVERVIEW**

The end of the Cold War allowed Mongolia for the first time since the 17<sup>th</sup> century to chart its own future and explore new opportunities for independently mastering its national security. This new environment brought forth several security uncertainties. On the positive side, Mongolia was free from the narrow Cold War geostrategic confines and was thus able to pursue an independent foreign policy and widen its international and diplomatic horizons. However, the end of the Cold War also brought about economic disintegration, social unrest and dramatically decreasing living standards. Externally, Russia's strategic abandonment of Mongolia and a new phase of Sino-Russian strategic rapprochement heightened Mongolia's security uncertainties. As it entered this new environment, Mongolia urgently needed to formulate new policy responses in addition to establishing institutions capable of implementing them. The National Security Council (NSC) was created from the process of defining the nation's new security concerns and policies and from the search for capable institutional models. The NSC was to be a consulting body responsible for coordinating state and societal efforts for securing the nation's vital interests.

This chapter examines the changing national security context leading to the creation of the National Security Council. It then discusses the establishment and evolution of democratic civil-military relations and institutions of civilian oversight over the military in Mongolia as inherent and important elements of national security. Both developments were key factors behind the creation of the NSC. The chapter will conclude with an explanation of the role that the NSC is expected to play in promoting vibrant civil-military relations as well as its responsibility and capacity for improving and maintaining civilian control of the military.

## **B. MONGOLIA'S SECURITY ARRANGEMENT**

### **1. Security of Small State**

Mongolia is a small country, landlocked between Russia in the north and China in the south, two neighbors, two nuclear giants who both have heightened security interests in Mongolia. Although covering roughly 1.5 million sq. km., which is five times larger than California, Mongolia is considered a small nation. How does one measure the size of nations? In what sense are state "small"?

Finding a universal definition of small states is almost impossible. However, the smallness of nations could be considered via two major groups of definitions; quantitative and qualitative.

- Quantitative definitions include land area, population size, gross national product, and per capita income
- Qualitative definitions encompass the intrinsic physical/geographical characteristics of small states, history, degree of insularity, involvement in international security institutions, etc.

Of course, both categories of definitions are viable, in some respect, to measure the particular sizes of any nation, but a nation's smallness and its vulnerability, which sounds quite the same, can be defined properly only if quantitative and qualitative dimensions are used in close association. Quantitative characteristics of the state are more rigid, and due to their predispositions to inflexibility and substantiality, do not provide the desired level of explanation of a state's vulnerability. Significant anomalies are possible. Some relatively small countries in terms of land or population size might, for instance, exercise economic power or political influence well beyond their size. Conversely, a country with a large territory or enormous resources might be weak and small in terms of capabilities and be a tempting target for external aggression. Qualitative dimensions deal with a much greater number of independent variables that cannot be measured by mere physical scale and the vulnerability of the two in similar terms of quantitative characteristics will differ greatly if measured by qualitative characteristics. Historical and geographical dimensions are important. States that suffered greatly throughout their history from an asymmetrically powerful and/or aggressive neighbor are relatively vulnerable. Belgium, sandwiched between the two historically hostile countries of Germany and France, suffered from the mutual hostilities of its neighbors a great

number of times, while its immediate neighbor, the Netherlands, experienced little suffering. Small countries with hugely asymmetric neighbors with violent pasts feel more threatened than those who enjoy a better combination of these vital elements of state power.

The ability of the nation to diminish the risks of fragmentation of its society and to structure its institutions to increase its capability to maintain social stability is one of the most important elements of the state. The inability to maintain internal unity and stability significantly lessens the state's capacity while attracting the increasingly hostile intentions of its neighbors or other powers and international institutions to intervene, which will limit a state's sovereignty. It would be most preferable if these state elements were secured through enhancing internal capacities. However, building internal capacities is not very cost effective, and in connection with the small physical sizes of the nation's strength and resource allocations, it will take an unacceptable long period of time. A nation's time is such that it is always in short supply.

There are a number of choices that the international arena can provide for nations to lessen their vulnerability and increase their insularity. To promote their security, small nations use bilateral (small-small and small-large) alliances and regional security arrangements (limited objective based alliances and multilateral mechanisms). Bilateral agreements often involve compromises in the smaller partner's sovereignty and independence and will be accepted by them if it is the only available option in the current historical and geographical situation. In this sense, bilateral allying is the worst acceptable option, while multilateral regional and sub-regional arrangements are increasingly gaining importance.

Multilateral mechanisms are considerably broader in terms of substance, weight, and influence, compared to bilateralism, because multilateral institutions dictate their rules restricting a single country's, including major powers', pursuit of their own interests at the expense of others<sup>1</sup>. Thus, while the influence of the powerful states is relatively neutralized, small states have the possibility to express and promote their ideas and interests as equals.

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<sup>1</sup> Bold, R., *The Security of Small State: Options for Mongolia*. The Institute for Strategic Studies Publication, Ulaanbaatar, 2000, p. 2.

## **2. Mongolia's Definition of Its Security and National Interests**

The effective definition of a nation's end objectives that promote national interests and the implementation of the strategies within a nation's capacity to meet them are vital for national security. In this thesis, national security means the conditions when a sovereign state can protect and maintain the ability of a group of people and/or individuals to live free from threats to their lives or existence and economic well-being while guaranteeing the right to choose their way of life that at the national level means sovereignty. If any imbalance exists between strategies and capabilities, then the end objectives are merely empty words.

More than a decade has passed since Mongolia began its democratic transition and restructuring towards a market-oriented economy. Although the transition has not always been smooth, Mongolia has achieved significant success in economic, political and social reforms in a relatively short period of time. Such results obviously were not expected by the scholars who, when looking at where Mongolia was starting from, predicted a much longer and painful transition. Among the most important factors behind this relatively successful transition, was the ability of Mongolian democratizers to properly define a range of national security and national interests and then to adopt corresponding strategies to ensure those goals were met.

Mongolia's National Security Concept was adopted in 1994 and defined the country's national interests as the assured existence of the Mongolian people and their civilization, the independence and sovereignty of the Mongolian state, its territorial integrity, inviolability of the frontiers, relative economic independence, ecologically balanced development and national unity. This enabled Mongolia to make a significant step forward in ensuring its security and institute a long-term, sustainable policy in the area of national security.

While less powerful and less capable nations have to struggle for their survival in the chaotic international environment, powerful nations that possess the capacity to guarantee their own survival also seek ways to extend their influence over others to further heighten their own security. In this sense, the process of defining national interests is a never-ending, consistent search. Therefore, "national security" as the state of

circumstances “when favorable external and internal conditions are secured to ensure vital national interests”, is the sum of this never-satisfying desire rather than a genuinely achievable goal.

### **3. Mongolia’s Changing Security Environment**

From the 15<sup>th</sup> century with the decline of the Mongolian Empire, the Mongol’s security thinking has become more preoccupied with national survival within the international environment rather than shaping it, which had been the main course of action for the Mongol’s policy during the preceding 300 years. In 1691, the Khalkha Mongol nobles<sup>2</sup> surrendered to the Qing dynasty and swore an oath of allegiance to the Manchu<sup>3</sup> emperor. This was the endpoint of the Mongolian empire, once the greatest ever built but which fell under foreign powers and was weakened by internal conflicts, and most of all, its inability to modernize itself.

The decline of Mongolian power began with the appearance of firearms and their increasing use on the battlefield. Mongolia’s nomadic economy, based on pastoral livestock, could not produce the resources necessary to obtain or develop firearms technology, which from the 15<sup>th</sup> century had become a driving force of military success. At the end of the 17<sup>th</sup> century, the Mongols were also economically weak and politically divided. Thus, they were unable to withstand the Manchus who had the vast resources of China at their disposal. After the Manchus occupied Inner Mongolia in 1636, the invasion of Khalkha Mongolia was only a matter of time.

The Mongolian decision to surrender was dictated by rationality rather than by conventionality. Faced with the real threat of foreign occupation, Mongol rulers found themselves in the throws of a dilemma. They could either resist the invaders with almost no hope of survival, or give in but gain relative autonomy. The rationality of this choice was vindicated later by history. Militarily conquered Inner and Western Mongolia were subdivided into standard Chinese provinces, thus easing their further integration into Qing. Khalkha Mongolia, on the other hand, retained much of its pre-Qing governmental

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<sup>2</sup> Mongolia was internally divided into three major parts at the time, Khalkha (Outer), South (Inner) and Oird (Western).

<sup>3</sup> A tribal group from China’s north-east, which conquered China in 1644 and formed the Qing dynasty.

structure<sup>4</sup>. After the fall of the Qing dynasty in 1911, this relative autonomy played the most decisive role in constructing an independent nation state within the boundaries of modern-day Mongolia. Autonomy provided relatively decent conditions for the Mongols within the Qing Empire. Examples include being ranked highly, following the Manchus themselves, on the Manchu's 5-grade hierarchy of nations and restrictions on Chinese settlements on Mongolian soil.

The Manchus also implemented a variety of policies to keep Mongols far from the scene. The first and foremost goal of the Manchu Mongol policy was to diminish the warlike qualities of the Mongols. The Manchus encouraged the spread of Tibetan Buddhism whose passive doctrine gradually diluted the warlike qualities of the Mongols and in addition encouraged between 30 and 50 percent of the male population to escape military service by entering monasteries. The Manchus also downgraded hereditary Mongol princes and recognized theocracy as the local government in many areas. As a result of these policies, Mongolia was completely isolated from the outside world and left out of the main developmental trends of human civilization. Two centuries later Mongols found themselves on the brink of extinction as a nation. However, because Mongol lands were not incorporated into China and retained their own governmental structures, the Mongols were still able to preserve a national identity distinct from the Manchus or Han Chinese. Most importantly, the Mongols avoided being assimilated by the much more populous Han Chinese.

The fall of the Qing dynasty brought new opportunities to the Mongols. Although underdeveloped due to its geographical and political isolation, isolated from outside developments for centuries, Mongolia gained its sovereignty in 1911. Then, however, there were more players interested in playing the "Mongolian card game". The rise of the Russian Empire and its eastward extension to the Pacific and beyond gave the Mongolian ruling elite a new opportunity to increase its security; this time by siding with one of its two neighbors.

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<sup>4</sup> Lattimore, Owen. *Nationalism and Revolution in Mongolia*. E. J. Brill Leiden, 1955, pp. 8-9.

Until 1914, the Russians were interested in Mongolia's independence. Russia, after its disastrous defeat in the 1904-1905 Russo-Japanese War, noted the modernization of the Chinese army and realized the need for a buffer between a resurgent China and Russia's interests in Far East, and particularly, the Trans-Siberian Railway. Thus, from 1911, Russia provided some diplomatic support and significant (relative to the size of Mongolia) military training and supplies. Russia's entrance into WWI in 1914 diverted the focus of its policy from Mongolia however.

Being weak economically and politically, Mongolia lost its independence under pressure from its two giant neighbors in 1915.<sup>5</sup> The loss of the hard-won independence, forced Mongolia's nationalists to seek other possible ways to salvage sovereignty. For a weak and underdeveloped nation, there were almost no alternatives to accepting another protectorate and again becoming a satellite but with a least a little more sovereignty than previously. In this situation, the only realistic choice for Mongolia was to align with its northern neighbor.

Initially, the Bolshevik Russian government showed much hesitation in departing from its Tsarist predecessor's policy toward Mongolia. However, the developments of 1920-21 forced it to change its stance. The USSR became Mongolia's mentor, providing economic aid and military protection from 1921 onward. Some scholars insist that as a Soviet "satellite" for most of the 20<sup>th</sup> century, Mongolia had only a limited role in conducting its own foreign and security policy. The author would argue that aligning with its northern neighbor itself was an outcome of Mongolia's security thinking that was preoccupied with the concerns of national independence and demographic survival. These fears over the state's survival were clearly grounded in China's persistent claim on Mongolia's sovereignty and Mongolia's desire to persevere in its ethnocentric nationhood against being assimilated by the numerically predominant Han Chinese. Faced with the constant Chinese threat of military force, Mongolia managed its external security by "maintaining and strengthening its alliance with the Soviet Union and by building up its

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<sup>5</sup> Tripartite agreement among China, Mongolia, and Russia, known as the Treaty of Kyakhta, on May 25, 1915, formalized China's suzerainty over Mongolia's leaving to the latter limited self-rule and the right to control its commerce and industry autonomy.

own armed forces.”<sup>6</sup> The two countries agreed to “undertake all necessary measures with the purpose of ensuring security of the two countries, including defense.”<sup>7</sup> Within the framework of this treaty, the Soviet Union deployed a large-scale military contingent to Mongolia and conducted numerous “muscle-showing” military exercises, which constantly defused Chinese aggressive intensions toward Mongolia.

Although a small-large type bilateral alliance is the worst option for small states to arrange their security, Mongolia, with its unique quantitative and qualitative characteristics, e.g., landlocked situation between two of the world’s powers, insufficient domestic economic and military capabilities, backward social institutions, total lack of interest by other outside foreign powers, had only one acceptable choice, that of a bilateral alliance with its northern neighbor, with the status of a “satellite” state. Mongolian suffered badly from this arrangement and was used as test-site of social experimentation including forced expropriation of private property, collectivization, political repressions, suppression of religion, and physical elimination of the clergy. Nonetheless, Mongols, in general, witnessed a national revival with a strengthened independent statehood, a tripling of the population and cultural renaissance. In economic terms, the basis of a modern economy was laid down, although heavily dependent on the Soviet Union.

The end of the Cold War allowed Mongolia to once again chart, by itself, its own future and explore new opportunities for independently mastering its national security. As discussed previously, this new environment brought forth both positive and negative possibilities such as freedom from the Cold War geostrategic confines, freedom to pursue an independent foreign policy, wider international and diplomatic horizons as well as economic disintegration, social unrest and falling living standards. Meanwhile, Russia’s

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<sup>6</sup> D. Ganbaatar, “Mongolia’s Search for Security”, Naval Postgraduate School, Available [On-Line]: [<http://handle.dtic.mil/100.2/ADA390356>] accessed 25 January 2004.

<sup>7</sup> The Treaty of Friendship, Cooperation and Mutual Assistance between the USSR and MPR, January 1966, Ulaanbaatar, Mongolia.

strategic abandonment of Mongolia and the Russo-Sino strategic rapprochement heightened Mongolia's sense of vulnerability. That said, overall "Mongolia has enjoyed a beneficial external security environment"<sup>8</sup> in the post-Cold War era.

Mongolia now views its security beyond the traditional frameworks that see security mainly in terms of military strength and freedom from external military aggression. The Concept of National Security includes not only traditional goals such as independence, sovereignty, territorial integrity and the inviolability of the state borders but also:

- The existence of the Mongol people, their culture and civilization
- Relatively economic independence
- Ecologically-balanced development
- National unity and harmony.

As the definition of national security has broadened, so have the ways and means to secure those goals. Political and diplomatic methods are prioritized rather than military methods. Also, multilateral cooperation is highly regarded than unilateralism.

For example, because of the huge disproportion in terms of power between Mongolia and its immediate neighbors, it does not seek military means to protect itself from foreign aggression. Rather, Mongolia is now concentrated on addressing those issues that are related to creating favorable external and internal conditions for the existence of the state and the nation. Thus, diplomatic relations with its two neighbors are obviously on the top of Mongolia's priority list. Mongolia's National Security Concept insists on, "accord top priority to the question of relations with the two neighboring countries and adhere to the principle of a balanced relationship with them". It further points out that the term "balanced relationship" does not mean "keeping equidistance between them or taking identical positions on all issues but this policy does mean strengthening trust and developing all-round good-neighborly relations and mutually beneficial cooperation with both of them."

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<sup>8</sup> Charles E. Morrison edited, *Asia Pacific Security Outlook 2003*, An APAP project by Japan Center for International Exchange, 2003, p. 105.

The economic and social stability of the region, particularly of North-East Asia, is the foundation for Mongolia's political and economic stability. In its security policy, Mongolia thus attaches great importance to regional cooperation and beyond. The concept points out that the country shall, "pursue a policy designed to guarantee strategic stability, strengthen peace and create reliable security system in the Asia-Pacific region, and, in particular, in the North-East and Central Asia."

Mongolia fully recognizes that an enabling international environment and successful domestic development are inseparably connected. Therefore, Mongolia regards its own policy of economic and political reforms as not just contributing to its own national well-being, but as its best way of contributing to regional and global stability. UN Secretary General Kofi Annan remarked, "steady improving prospects for democratic governance, transparency, and participation and the rule of law in Mongolia contribute to a more stable security situation in the whole region."<sup>9</sup>

Mongolia's success in improving domestic stability, predictability and transparency, which are also its most important contributions to regional and global security, is tightly correlated with its successful consolidation of ongoing democratic processes. The process of consolidation of democracy depends on a variety of issues. One of the most important is the ability of the democratically elected government to control its military, in other words, the ability to sustain capable armed forces in line with its defense needs and economic size while preserving broad decision making authority over state policy free from military interference.

## **C. MONGOLIA'S CIVIL-MILITARY RELATIONS AND ITS INSTITUTIONS OF DEMOCRATIC CONTROL OVER THE ARMED FORCES**

### **1. Theoretical Framework and Analytical Approaches for Civil-Military Relations**

Civil-military relations are, defined as "the entire range of relationships between the military and society at every level"<sup>10</sup>, is a relatively new field in social sciences.

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<sup>9</sup> 57<sup>th</sup> Session of the UN General Assembly, on Mongolia's International Security and Nuclear Weapon Free Status.

<sup>10</sup> Feaver, Peter D., Civil-Military Relations. Annual Review Political Science, 1999, 2, p. 211.

However, the relations between civilian power holders and their “guards”, who pretended to protect them, for centuries, has been one of the central problems that philosophers have tried to understand and then utilize in order to support civilian rulers. The “simple paradox: the very institution created to protect the polity is given sufficient power to become a threat to the polity”<sup>11</sup> has driven relations between the legitimate authority and the military throughout history.

Theoretical and empirical evidence demonstrates that these relations are robust when legitimate civilian authorities enjoy sufficient leverage on the military and are thus able to decide important issues of state policy without military interference. Meanwhile, the military is permitted to participate in the process of the implementation of those policies yet are able to retain autonomy to administer its own professional concerns. The core of this relationship is successful control over the military imposed by civilian officials that is exercised through the set of institutions<sup>12</sup> intentionally designed to do so.

Today, civilian control of the military is understood to mean military compliance with government authority. Theories on civil military relations insist, “civilian control exists when government officials have authority over decisions concerning the missions, organization, and employment of a state’s military means.”<sup>13</sup> Also, civilian control requires that officials have broad decision-making authority over state policy free from military interference.

Rulers of pre-democratic societies managed to achieve military obedience through a wide range of measures. For instance, Samuel Huntington defined the control that civilian rulers exercised in totalitarian regimes as a type of subjective control. He defines this as, “the maximization of the power of particular governmental institutions, particular social class, and particular constitutional form”, which is achieved by “the means of terror, conspiracy, surveillance, and force.”<sup>14</sup> Subjective control over the armed forces in

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<sup>11</sup> Feaver, Peter D., p. 213.

<sup>12</sup> Institutions here are referred to as a set of “formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy” Hall, Peter A. *Political Science and the Three New Institutionalism*. *Political Studies* (1996). XLIV, p. 938.

<sup>13</sup> Trinkunas, Harold A., “Crafting Civilian Control in Argentina and Venezuela” Pion-Berlin, David edited “Civil-Military Relations in Latin America”, The University of North Carolina Press, 2001, p. 163.

<sup>14</sup> Huntington, Samuel P., *The Soldier and the State*. Harvard University Press, 2001, pp. 81-82.

authoritarian regimes is generally described as particular policies of ruling political elites to protect themselves from military intervention by ensuring that the armed forces share common values and objectives with them, often through a process of politicization of the officer corps.

In democracies, on the other hand, civilian control has two essential dimensions: institutionalized oversight of military activities by civilian government agencies in addition to the professionalization of military forces. In this situation, the ability of the military to make decisions about state policy without civilian input or supervision is incompatible with civilian control. Empirical evidence shows that militaries, which have exclusive control over state revenues or industries, are more difficult to control and that when the armed forces control internal security agencies, it is difficult to prevent military intervention in politics<sup>15</sup>.

## **2. Historical Pattern of Mongolia's Civil-Military Relations**

Civil-military relations are path dependent processes. Thus, limited elements of these relations can be assessed in connection with a nation's history and military culture. Mongols have a very unique, rich military history. There are specific relations between civilians and the military that have been forged over centuries that have adequately shaped the unique attitudes toward the military and the perceptions of military service. In the Mongol military tradition, all men were warriors, military training and acquisition of sufficient weaponry such as bows and swords were the elements of routine life. This element of Mongolian military tradition is very different from that of most countries where armies were little more than feudal levies and military service was the privilege of noblemen. In this sense, Mongolia's traditional military had greater penetration into society, and Mongols never saw military as a "coercive power of the king". For them, military service traditionally was symbolized as honor and duty.

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<sup>15</sup> Stepan, Alfred C., *Rethinking Military Politics: Brazil and the Southern Cone*. Princeton, New Jersey, Princeton University Press, 1988, pp. 93-127.

After regaining independence in 1911, Mongolia started building a modern military establishment along European lines, which was resumed after the Revolution of 1921. The military consisted of personnel conscripted, on the basis of legal duty, from all social groups. The officer corps was professionally trained. The Mongolian army then entered its next stage of development under the Soviet model.

The Soviet civil-military system can be characterized as a successful example of the “subjective” means of civilian control of the military. Given the specific conditions of Mongolian society during most of the 20<sup>th</sup> century where fragmentation along the lines of social classes was minimal and almost invisible<sup>16</sup> and as a result of ideological propaganda, most citizens did not perceive the Mongolian army as a threat. This is another factor in the development of civil-military relations in Mongolia that differs from many other nations. Since no visible friction existed between civilian authorities and military leaders on formulating national security and defense policy, there is no record of military disobedience towards the civilian power holders. Therefore, the ongoing process of Mongolia’s transition to democracy has not been threatened by military intervention. Moreover, the successful processes of democratization have complemented the establishment and consolidation of democratic civil-military relations.

Although traditional military obedience to civilian authority continues to play a role in Mongolia’s civil-military relations today, this plays a limited role in characterizing the current system. Mongolia’s new, democratic civil-military relations and the degree of civilian control over the military is better described through the analysis of existing institutions. Huntington’s approach, which, in general, suggests a division of the complex world of civil-military relations into independent civil and military spheres and sees these relations as a balance of influence, is not well suited for analyzing Mongolia’s current situation. Neither, however, is the structural approach, which analyzes civil-military relations through the balance of foreign and domestic threats. Currently, Mongolia faces neither direct international nor domestic threats to its security in traditional terms. “New institutionalism”, for instance, pays relatively little importance to factors such as cultural diversity, level of economic development or geography. Instead, it focuses on the cause

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<sup>16</sup> Starting in the late 1920s, the former rulers (feudal) and high rank clergy were purged by the bloody repressions of the 1930’s and eliminated as a social class within a decade.

of a particular failure or success in interrelations between established institutions. It insists that institutions are able to manage the processes, and outcomes are dependent on the institutional design so it “views institutions as providers of moral and cognitive templates for interpretation and action”<sup>17</sup>

### **3. Assessing Mongolia’s Civil-Military Relations and Civilian Control Since the Transition to Democracy**

The Constitution of Mongolia (1992) declared that one of the duties of the State is “to secure the country’s independence, ensure national security...”<sup>18</sup> and in order to do so “Mongolia maintains armed forces for self-defense.”<sup>19</sup> The Constitution laid down basic principles of democratic civil-military relations, which emphasize the democratically elected civilian authority’s dominance in decision-making while allowing the military a strictly defined role in implementing civilian decisions.

Although Mongolia had not historically faced complicated civil-military relations, the framers of the Constitution saw unresolved relations between the country’s new authorities, and non-reformed, organized and managed along with former principles, military as one of the possible threats to the nation’s democratic transition and revival of the former regime. Thus, the framers saw the establishment of institutions of democratic civilian control over the military along with the simultaneous reformation of the armed forces more as security related issues rather than as a “vogue” attribute of democracy.

The Constitution provides the basic principles of Mongolia’s new democratic civil-military relations. The main principle is the separation of power between the main branches of the government, the legislature, the president, and the executive.

The National Parliament (State Great Hural<sup>20</sup> and hereafter SGH) as the highest and only institution of state power vested with supreme legislative power and “may consider on its initiative any issues pertaining to domestic and foreign policies”<sup>21</sup>. The

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<sup>17</sup> For detailed information, see Hall, Peter A., Political Science and the Three New Institutionalism. Political Studies (1996), XLIV.

<sup>18</sup> The Constitution of Mongolia, art.11-1 Available [On-Line]: <http://www.extmin.mn/Constitution.htm> accessed 15 December 2003.

<sup>19</sup> Ibid., art.11-2.

<sup>20</sup> In Mongolian ,*Hural* means assembly. The term State Great Hural and its acronym SGH is used on its official website [<http://www.parl.gov.mn>] and in most official documents in English.

<sup>21</sup> Ibid., art.25.

Constitution provides the SGH with the power to legislate for defense and military activities, to oversee the implementation of its decisions, to approve defense programs and the budget, to determine the structure of the executive institutions including the MoD and its agencies, to declare a state of war or a state of emergency in the entire or some parts of the country, and establish titles, orders, and bestow medals and higher military ranks. Also, a number of additional powers concerning defense affairs and military activity are provided to the SGH by other laws such as the Law on Defense (1993), the Law on Armed Forces (2002), the Law on State Great Hural, the Law on Military Service Duty and Legal Status of the Military Personnel, the Law on Involvement of Military and Police Personnel in UN peacekeeping operations (2002) and so forth.

According to the Constitution of Mongolia, “the President is the Head of State and embodiment of the unity of the people” but he does not exercise broad executive powers, as in the democracies with a presidential form of governance.<sup>22</sup> The list of the prerogative rights of the President related to national defense includes heading the National Security Council, declaring general or partial conscription, declaring a state of emergency or a state of war on the entire or a part of the national territory and to order the deployment of armed forces<sup>23</sup>, and to be the Commander-in-Chief of the armed forces of Mongolia. In addition to the Constitution, particular laws define and guarantee the President’s powers and responsibilities as the Commander-in-Chief of the armed forces of Mongolia. “The Law on Defense” (1993) endows the President with the powers to monitor the implementation of the main policies regarding national defense and the use of the military in times of war and peace, to supervise the process of stockpiling necessary resources for national defense and propose required actions to be taken by the legislature if necessary, to adopt SOPs that regulate military affairs and the process of military promotion. The “Law on Armed Forces” (2002) provides the President with the

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<sup>22</sup> Ibid., art.30-1.

<sup>23</sup> If the National Parliament is concurrently in recess, it cannot be summoned on short notice. The National Parliament considers within 7 days the Presidential decree of declaring a state of emergency or a state of war and approves or disapproves it. If the National Parliament does not take decision on the matter, the Presidential decree becomes null and void. The Constitution of Mongolia, art.35-11.

right to adopt the organizational structure of the armed forces for both war and peace, to order partial or general mobilization, and appoint the Chairman of the General Staff of the Armed Forces.

The Constitution stipulates that the Government of Mongolia be the highest executive body of the state. In addition to duties such as directing the economic, social, and cultural activities of the nation, the Constitution also endowed the Government to plan and take the necessary actions to strengthen the nation's defensive capabilities and ensure national security. "The Law on Government" (1993), "The Law on Defense" (1993), "The Law on Armed Forces" and other legislative decisions of the SGH provide the Government with the power to formulate the nation's military policies and implement them, to build up required resources for national defense, to propose the draft of a defense budget to the legislature, to determine the locations of the troops within the country in consultation with the Commander-in-Chief of the Armed Forces, to create or abolish military units, to determine the limits of land for military purposes, to determine the size and times of annual conscription, and to conduct foreign relations on the issue of military cooperation.

The executive branch of the state exerts most of its power to oversee the military through the Ministry of Defense. Starting in 1996, the Ministry is headed by a civilian minister<sup>24</sup> and its ability to supervise the military is clearly defined by a number of legal acts adopted by the Parliament, the President and the Government cabinet. Mongolia's legally established institutions such as the legislature, the president and the cabinet with its Ministry of Defense led by civilian politicians, provide close civilian control over the military and defense-related activities, although their roles in managing civil-military relations are still evolving. Harold Trinkunas argues, "civilian control is consolidated when elected officials transform strategies of control into institutions."<sup>25</sup> In this sense, the transformation of Mongolia's civilian control over the military from Huntington's "subjective" type to democratic control is on the right path, but requires that many details be consolidated and given significant support to develop robust civil-military relations.

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<sup>24</sup> Law on Defense (1993) stipulates "As of a member of the cabinet in charge of Defense issues is political appointee this position can not be taken by person on active military duty." Amended in 1996.

<sup>25</sup> Trinkunas, Harold A., "Crafting Civilian Control in Argentina and Venezuela" Pion-Berlin, David edited "Civil-Military Relations in Latin America", The University of North Carolina Press, 2001, p. 163.

#### **4. The Roles of the National Security Council**

Mongolia sees its security in a broader perspective beyond the traditional perception of the notion of security, as one's ability to defend itself from an external military threat, and comprehend the notion of its own security in a broad range of important issues. The range of Mongolia's security concerns include:

- its independence, sovereignty, territorial integrity, and inviolability of state frontiers
- inviolability of the state and socioeconomic structure, fundamental principles of civic administration, as provided for in the Constitution of Mongolia
- human rights and basic freedoms
- the potentials of economic reproduction through the utilization of domestic resources to meet the basic needs of the people and strengthening the nation's capacity
- science and technology
- unrestricted flow of information
- preservation of national culture and Mongolian civilization
- demographical issues
- ecology<sup>26</sup>

Such diversity of security concerns requires a far-reaching agreement of the institutions involved in the process of ensuring national security and better orchestration of their activities. The Concept of National Security determines the system of ensuring national security, which includes governmental agencies, judiciary, local self-governing bodies, political non-governmental organizations, and citizens as well<sup>27</sup>. The orchestration of the activities of these institutions is charged to the National Security Council, "a state's consultative body coordinating the elaboration and implementations of the integral state policy on ensuring the national security and executing control over how this coordination is being carried out."<sup>28</sup> The responsibilities assigned to the NSC, its statutory boundaries and elements of its structure will be assessed in the following chapter.

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<sup>26</sup> The Concept of National Security of Mongolia. Ulaanbaatar 1992. Available [On-Line]: [[http://www.extmin.mn/concept\\_of\\_national\\_security\\_ofm.htm#p-104](http://www.extmin.mn/concept_of_national_security_ofm.htm#p-104)] accessed 25 January 2004.

<sup>27</sup> Ibid., p. 105.

<sup>28</sup> The Law on National Security Council. Chapter One, article 2.

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### **III. EVALUATING THE EFFECTIVENESS OF THE NATIONAL SECURITY COUNCIL OF MONGOLIA**

#### **A. CHAPTER OVERVIEW**

Since national security issues always have been prioritized in the nation's top policy making process and playing a vital role in a country's stability and development, equally important are the roles of the institutions created to administer those policies. Since national security requires a thorough integration of all the elements of power the nation can bring to bear, all necessary activities of prescribed contributors must be coordinated and properly orchestrated, in order to formulate a common and effective policy of national security. The institution possessing the authority of coordinating the nation's effort for security is the National Security Council (NSC hereafter). The efficiency and efficacy of the Council is determined by the character of the national security policy and reflects the level of institutionalization of the field of national security decision making. Nations with a stronger threat perception tend to have a solidly institutionalized and powerful system to ensure its security with the NSC at the center, while a poorly developed system of national security is often characterized by a low threat perception or inability of the nation to respond adequately to particular threats. A number of factors determine the power of a particular state institution. This chapter will review the responsibilities assigned to the NSC as the supreme consultative body of the state, charged with the coordination, elaboration, and implementation of the integral state policy regarding the national security of Mongolia and to assess the effectiveness of the NSC through analyses of its statutory boundaries and elements of its structure, such as its members, executive secretary, advisors, non-permanent committees and staff.

#### **B. PURPOSE OF THE NSC**

Successful national security policymaking is based on careful analysis of the international situation and internal capabilities including diplomatic, economic, intelligence, military, morale and other factors. Political leaders, based on comprehensive assessment, attempt to attain their goals by selecting the most effective instruments of policy, be it military, diplomatic, economic or a combination of more than one

instrument. Although this approach has been ideal throughout the history of international relations, being a satellite state of the former Soviet Union in the recent past, the Mongolian leadership had little to choose from the various tools to secure its national security. Since diplomacy, to a large extent, was attached to that of its mentor's, Mongolia's national security thinking was limited only within military arrangements. The disintegration of the Soviet bloc and Russia's strategic abandonment allowed Mongolia to chart its own future and to master its national security on its own. Given such an opportunity, Mongolia has defined its security far beyond its narrow notion as the capability to "safeguard its territory from outside aggression" but as creating agreeable conditions that make it possible to "safeguard the freedom of citizens from various threats"<sup>29</sup> in the way that broadly involves diplomatic, military, economic and other tools for security policy implementation. The very essence of this approach significantly requires the advanced coordination of the activities of various departments and agencies concerned with national security.

### **1. Creation of the NSC**

The NSC was not created independently, but rather was part of a complete restructuring of the state apparatus to adjust it to the realities of the new democratic form of governance and the market-oriented economy in the early 1990's.

The term "National Security Council" was first officially introduced by the Constitution of Mongolia (1992) in the list of powers of the State Great Khural and the prerogatives of the President of Mongolia,

- The National Parliament may consider, on its own initiative, any issue pertaining to domestic and foreign policies of the country, and retains within its exclusive competence the following questions and decisions thereon: to determine the structure, composition, and powers of the National Security Council<sup>30</sup>
- The President enjoys the following prerogative right: to head the National Security Council<sup>31</sup>

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<sup>29</sup> Bold, R., *The Security of Small State: Options for Mongolia*. The Institute for Strategic Studies Publication, Ulaanbaatar 2000, p. 5.

<sup>30</sup> The Constitution of Mongolia, Article 25. Available [On-Line]: [<http://www.indiana.edu/~mongsoc/mong/constttn.htm>] accessed 25 January 2004.

<sup>31</sup> Ibid.

Heated discussions on the issue of the creating the NSC took place during sessions of the State Baga Khural,<sup>32</sup> when the framers of the Constitution were considering the issue of Mongolia's future state building in the new environment. The idea of the NSC, being brought up first during ongoing discussions on security issues, met with significant suspicion on the part of deputies who were extremely fearful of the restoration of the former regime. In particular, the international practice of the NSCs functioning as inner cabinets in charge on vital state security related issues and thus accumulating significant decision-making and executive power within the executive branch of the government, increased these fears two-fold by drawing some similarities to the powers of the former Political Bureaus.<sup>33</sup> As long as the framers were pursuing the principle of the division of power as one of the consistent guarantees that would prevent the restoration of the authoritarian regime, the creation of the NSC was also deeply influenced by this principle.

Adoption of the Law on National Security Council on May 29, 1992 announced the creation of the National Security Council of Mongolia. Its purpose is stated as follows in Article 4 of this law,

- analyze the country's political and social life, ensure the security of the existence of Mongolia , strengthen the state and social structure as stipulated in the Constitution, reinforce national unity, guarantee human rights and freedom, and safeguard the security of the population and its gene pool
- Increase the capacity for independent development based on its own resources by making rational and appropriate use of Mongolia's national wealth, protect national technology by enriching and developing it using the latest achievements, ensure an active and flexible participation in international economy
- Protect and develop national culture, the intellectual heritage and its capacity
- Ensure Mongolia's sovereign right to possess its natural resources and ecological security

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<sup>32</sup> Mongolia's highest legislative body (1990-1992), created to legislate the nation's transition to democracy and promulgate the Constitution of Mongolia, was established by direct popular vote in Mongolia's first multi-party election.

<sup>33</sup> The highest policymaking body within the communist political system.

- Streamline and establish the guidelines to be adhered to during top level state talks with foreign countries and international organizations, and conform to the state's foreign policy stance with regard to a particular issue with foreign countries and international organizations at the top level
- Define state defense policy, improve and strengthen the structure and organization of the armed forces, form a proposal on the fundamentals of the state military doctrine with regard to external political conditions and submit it to the State Great Khural through the President of Mongolia
- Estimate, proceeding from Mongolia's national security interests, the international social, economic, scientific, technological, military, and political situation and determine the necessary measures to be taken<sup>34</sup>

## **2. Organizational Structure of the NSC**

The following officials were designated as members of the NSC: the President of Mongolia, the Chairman of SGH, and the Prime Minister<sup>35</sup>. The law also provides for the organizational structure of the Council, which is to be simple and comprised of its members, the executive secretary, advisers, rapporteurs and groups of experts (Figure 1). The law allowed the NSC to run its Office and organize interagency task groups. Since only the SGH enjoys the right to determine the structure, composition, and powers of the Council, these characteristics can be changed only through legislation of a new law or amending the existing one, which is the prerogative of the Parliament. The President of Mongolia, as the head of the Council, has the right "to submit a proposal" on the issue of composition to the SGH.

Members of the Council have very broad powers on the issue of national security policymaking. These include acquiring an analysis of the country's state and social situations and submitting a proposal on the required measures, inspecting institutions charged with executing the policies of ensuring national security, organizing the implementation of the Council's decisions within their expertise and submitting to the NSC meeting for deliberation beforehand any decisions to be made within their powers on national security issues.

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<sup>34</sup> National Security Council of Mongolia, Legal and Regulations. 3<sup>rd</sup> Edition, Ulaanbaatar 2002, pp. 144-145.

<sup>35</sup> Ibid.

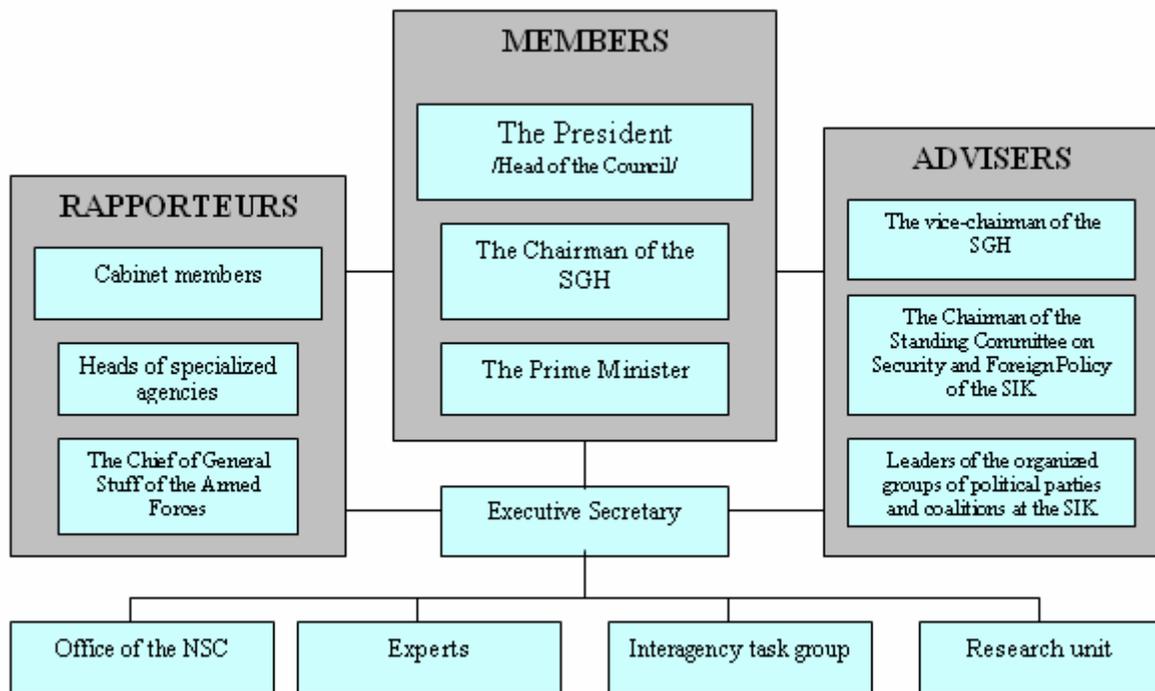


Figure 1. Structure of the NSC

The Executive Secretary, a President’s appointee, with suspended political party affiliation during this position’s, is a state official in charge of the routine organization of the activities of the Council. The Law on National Security Council imbued the Executive Secretary with duties to organize and coordinate work on conducting studies, drawing up assessments, conclusions, and preparatory duties on substantiating the decisions of the Council in order to render support to the Council members in exercising their powers and missions. In times of the temporary absence of the Executive Secretary, the Head of the Administration of the President performs these duties.

The vice-chairman of the SGH, the chairman of the Standing Committee on Security and Foreign policy of the SGH, and leaders of the organized groups of political parties and coalitions within the SGH are authorized to participate in the meetings of the NSC, to express their positions and points of views on particular issues concerned with

national security. However, they have no voting rights but are able to advise the members, the executive secretary, and the office on the policies and measures to implement concerning security related matters.

The members of the Cabinet, heads of the government agencies, and the Chief of Staff of the Armed Forces are obliged to report to the Council, on a scheduled annual basis approved by the head of the Council, on the suggested issues concerning national security within their jurisdiction, and organize the implementation of the decisions of the Council and ensure national security in the areas of their expertise. They also are not allowed to vote.

The Group of Experts is often assembled from the most appropriately qualified professionals in the particular field of sciences that have the required experience and knowledge to contribute to the functioning of the security structure of the state. They conduct studies, from requests of the members and the office, on a particular field of national security concern, provide independent expert conclusions to the rapporteurs's reports and suggest policies before submission to the Council's meetings. The Council tries not to hire experts from among civil servants working for state institutions, if possible.

The primary duty of the Office of the NSC is to provide the all-necessary support to the members of the Council in exercising their missions, to the Council's execution of its coordinating functions of the state's national security policy and impose control over how this coordination is executed. The Office performs the administrative functions of the Council, such as the preparations for the Council's meetings, listing and scheduling the issues for the meeting's discussions, and informing the concerned institutions and individuals of the Council's decisions. It also conducts or participates in enquiries and surveys on national security matters. In the initial design, the functions of the NSC Office were attached to the Administration of the President but the development of national security and the practices of its management created the need for an administrative body of the NSC. The Office of the NSC was established by the amendments to the Law on National Security Council, in 1999, as independent administrative body of the NSC, although it still is not legally included in the official structure.

The Law on the National Security, adopted by the SGH in 2001, vested the NSC with organizing interagency task groups to maximize its ability to acquire and exchange expert information for developing and further supervising its policies. Task groups on foreign policy, information security, intelligence, military policy, religious issues, economy, and ecology are founded and the composition of these groups shall be approved by Presidential decree. The Executive Secretary is charged with coordinating and guiding task groups in their activities.

### **3. Evaluating NSC Performance of Its Functions**

To fulfill the purposes stated previously at the beginning of this chapter, the NSC performs a variety of functions that has been the source of its effectiveness, or lack thereof, clearly including bureaucratic in-fighting. The definition of the NSC as “a state consultative body coordinating the elaboration and implementation of the integral state policy on ensuring the national security and executing control over how this coordination is being carried out”<sup>36</sup> provides vital functions to the Council that it intended to perform. These functions are:

- Policy coordination and integration
- Policy supervision
- Administration

The execution of all these functions is critical for the successful management of national security. A brief discussion of each function follows.

#### ***a. Coordination and Integration***

These two activities are so closely related that they often appear as constituent parts of the same function. While coordination is a relatively passive activity in which, theoretically, proposals and policies of different institutions are scrutinized with all relevant agencies before submission to the NSC, integration is to be a more active concept and, and put simply, that can be characterized as joining diverse, and possibly divergent, views into a single document. Coordination and integration is the primary function of the NSC which is widely accepted by most scholars and clearly legislated in common. Moreover, Mongolia’s comprehensive definition of its security concerns makes this function even more vital for executing national security policies, due to the great

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<sup>36</sup> Ibid., p. 143.

number of governmental and other non-state institutions involved in the process. Empirically, the issues raised for NSC consideration, are often developed by a single ministry or government agency, invariably reflecting the points of view of a particular institution and is almost always uncoordinated. The NSC must process these “raw materials” through its Office in order to develop them into a single summary document to submit to the formal Council meeting. Thus, the NSC requires a highly professional office staff. Otherwise, it is highly possible for this vital function of the Council to be abused by unskilled or unschooled staff members as these functions are so important to national security. Also, the coordination and integration functions can be facilitated if the interagency working groups are subordinated to the NSC, as they are presently.

***b. Policy Supervision***

To be successful, any institution must have a mechanism responsible for supervising the implementation of the decisions carried-out. Some studies insist that the governments devote up to 80 percent of their efforts to policy development and only 20 percent to its execution. In successful organizations, those percentages are reversed.<sup>37</sup> In an ideal structure, disagreements on particular policy alternatives disappear once an authority has reached a decision. However, not all institutions function correctly, and the NSC is no exception, and a number of cases of disobedience, vagueness, and misunderstandings exist. Nonetheless, whether the root cause was hostile or benign, policy executions remain the most challenging aspect of the process, demanding active and involved supervision. This is a relatively simple matter, as can be explained by the absence of an oversight mechanism.

The process of policy supervision itself demands inter-institutional activities, and therefore, requires specific qualifications for those organizations in charge of execution. The law vested the Executive Secretary with the duty, “to organize ...supervision of the implementation of the decisions...of the NSC.”<sup>38</sup> Thus, it is particularly difficult to see how the supervision function can be accomplished by any organization except by its Office. Vertically structured state institutions involved in

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<sup>37</sup> Shoemaker, Christopher C., *The NSC Staff: Counseling the Council*. Westview Press, 1991, p. 30.

<sup>38</sup> National Security Council of Mongolia, *Legal and Regulations*. 3<sup>rd</sup> Edition, Ulaanbaatar, 2002, p. 146.

national security policy implementation usually lacks the credibility to intervene in each other's internal operations and are often only marginally responsible for the decisions of the NSC. Thus, it is the responsibility of the Executive Secretary (and the Office) to monitor policy implementation and to ensure that policies are executed in accordance with the intents of the NSC decision. However, it would be worth noting that the supervisory functions are much different from the implementations roles of the institutions in charge and this function must not be confused with the operational roles of the staff.

*c. Administration*

To a large extent, administrative functions are an internal part of any existing institution and in the case of Mongolia's NSC, these functions are performed by its Office, which is intended to be widely accepted as its administrative arm. The administration functions are generally seen as a continuum, running from the most mundane of tasks, such as typing and distribution of NSC-related papers on the one hand, to potentially influential administrative requirements, such as note-taking and the preparation of summary documents on the other. Later, the Council's administration functions may make its actual performers increasingly influential in a particular policy formulation. Christopher Shoemaker, a scholar who contributed his fascinating in-depth analysis into the entire range of studies of U.S. National Security issues, describes it as follows,

The Assistant to the President is generally responsible for preparing the agenda for NSC meetings. Although on the surface this appears to be a straightforward task, in reality, control over NSC agenda is a potentially powerful tool in managing national security affairs. The Assistant to the President, supported by the NSC Staff, determines which issue will actually reach the President and NSC... for deliberation and decision.

Control of the agenda can also extend to the list of invitees. By extending or withholding invitation, the NSC Staff can help shape the discussions and the outcome of the issue itself.<sup>39</sup>

Indeed, administrative functions, which in other words are called "managing the flow of papers" is the real power in the system.

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<sup>39</sup> Ibid., pp. -24-25.

The effective management of national security issues requires a more thorough integration of the various components of national power, and an integration that must occur in the NSC. Further diversification of security concerns and challenges will demand more effective management and mobilization of all possible resources, thus the NSC, as an essential part of the national security system, should be strengthened structurally and functionally. The primary functions of the NSC, that are coordination and supervision, must be supported by an adequate structure that assures its independence and guarantees its unique position of the only horizontal structure of the state, which allows the NSC effective coordination of the efforts of governmental institutions and society to ensure national security.

### **C. THE NSC: IMPACT ON CIVIL-MILITARY RELATIONS**

As a state institution in charge of coordinating the nation's efforts for its security, the NSC is vested with significant power to impact the nation's civil-military relations. This power of the state institution consisting of top officials elected by free and democratic direct voting or is established by them, can be assessed in two dimensions. The first is the ability of the civilian authorities to determine state policies, including defense policy, without interference from the military and the second is the ability of the NSC to form the effective policies to strengthen the nation's armed forces, heighten the level of professionalism within it, and enhance the appropriate war-fighting capabilities of the military.

The Law tasks the NSC to "define state's defense policy, improve and strengthen the structure and organization of the armed forces; form a proposal on the fundamentals of the state military doctrine with due regard to external political conditions."<sup>40</sup> The power to define a state's defense policy makes the Council a powerful tool to exercise civilian control over the military. The theory of civil-military relations insists that democratic civilian control over the military exists and be robust if democratically elected

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<sup>40</sup> Ibid., p. 145.

authorities have the right to determine the state's security policy, including defense issues, without military interference and yet the military does have a role in implementing those policies.<sup>41</sup>

Mongolia has defined its defense policy as the National Security Concept which it stipulates, first, by protecting itself by means of “extensively applying the existing internal resources, means and external factors” resting on a universal defense system, and second, working to create favorable external conditions by “participating to the greater extent possible” in international efforts and cooperation that create confidence building mechanisms in the military sphere and ensure regional security<sup>42</sup>. These basic principles of defense policy found their further explanation in the Basis of the State Military Policy (1994), which was extensively discussed within the NSC and submitted, after approval, to the SGH for final consideration. The Basis of the State Military Policy has determined the missions of the armed forces both in times of peace and war. Given the actual capability of the nation's military and particular external environment, it is realistic, as well as possible, to define the missions of the armed forces in times of war, as “the armed forces shall, while checking and repudiating external armed aggression and up until decisive actions are taken to ensure pressure and influence on the aggressors on the part of the UN and other related international organizations, as well as influential states, stand to create the necessary conditions for the national leadership to conduct an active diplomatic efforts.”<sup>43</sup> The most important implications from a point of view of civil-military relations is how the NSC defined the roles of the armed forces during peace time. The theory insists that civil-military relations are robust and civilian control is strong when armed forces are restricted from internal security concerns, such as maintaining constitutional order, securing demonstrations, patrolling the streets or guarding polling stations during elections by request of the government, but are allowed to “share authority...over some aspects of external defense policy in the interest of maximizing the

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<sup>41</sup> Trinkunas, Harold A., “Crafting Civilian Control in Argentina and Venezuela” Pion-Berlin, David edited “Civil-Military Relations in Latin America”, The University of North Carolina Press, 2001, pp. 171-177.

<sup>42</sup> National Security Council of Mongolia, Legal and Regulations, 3<sup>rd</sup> Edition, Ulaanbaatar, 2002, p. 109.

<sup>43</sup> Bold, R., The Security of Small State: Options for Mongolia, The Institute for Strategic Studies Publication, Ulaanbaatar, 2000, p. 35.

effectiveness of the armed forces' war-fighting capabilities.”<sup>44</sup> The NSC defined the missions of Mongolia's Armed Forces in peace time, legislated by the SGH in the Bases of State Military Policy, as follows,

- to be prepared to safeguard nation's independence, sovereignty, and territorial integrity from external armed aggression
- guard the state borders and monitor the inviolability of the country's airspace
- guard the state's strategic objects
- render assistance in protecting the population and state assets from the dangers of destructive means, natural and other mass calamities, and industrial accidents
- set up a mobilization reserve and train the population in self-defense matters
- render support and assistance in humanitarian activities
- carry out the missions within the UN peace keeping activities and other functions as stipulated in the national laws<sup>45</sup>

The proper definition of missions obviously would ease the task of determining the structure and size of the armed forces.

Mongolia maintains compact, professionally oriented and capable armed forces in line with its defense needs and economic capabilities. The NSC has always strictly supervised the ongoing process of reforming Mongolia's armed forces. The reformation, which includes fundamental changes in the legal base of the armed forces, its organizational structure, technical support and military training of personnel, logistics and other aspects of its functioning, require not only significant efforts from governmental institutions but also positive support from society. The military itself should play one of the most important roles. Thus, a coordinating role of the NSC is vital for the success of the military reforms.

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<sup>44</sup> Trinkunas, Harold A., p. 176.

<sup>45</sup> The Bases of the State Military Policy of Mongolia, Ulaanbaatar, 1998, p. 13.

In 2001, the NSC passed a recommendation that suggested that the President approve the four-year Program on Military Reforms and to issue a directive to the Government to execute all-necessary measures. The recommendations have become an end point of preceding extensive discussions on the matter between the President, the SGH, and the cabinet with active mediating and coordinating inputs of the Executive Secretary. The NSC clearly defined the end-goals of the military reforms as, establishing a compact, professionally oriented and capable armed forces that match all the requirements of the new political system in Mongolia, while preserving the continuity of the state defense policy. In its recommendations to the Government, the NSC highlighted the importance of the strengthening of the sufficient economic bases and capabilities for the implementation of the Program, and recommended the pursuit of a policy to reduce the redundancies in the structure of the armed forces, and take the necessary cost-saving measures in order to direct released resources to the policies that heighten the efficacy of the armed forces. The NSC has also suggested increasing the armed forces' capacity for greater involvement and participation in national disaster relief actions and international peacekeeping missions.

In summary, it is important to note that during a short period of time, Mongolia has successfully managed to establish a relatively efficient and complex system for national security management with the NSC at the forefront. As in all systems, Mongolia's National Security system needs regular adjustments and enhancements. However, the idea of the NSC as a core element of the system, and not attached to any of the vertical state power structures, should not be affected by any modernization in the future. Some cases of inefficiency and redundancies present in the NSC structural and functional frameworks will be explained in the next chapter with suggestions to reduce them.

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## **IV. PERSPECTIVES ON IMPROVING THE EFFECTIVENESS OF THE NATIONAL SECURITY COUNCIL**

### **A. CHAPTER OVERVIEW**

National security issues usually require advanced coordination and routine implementation mechanisms due to the diverse nature of security concerns with which all nations must struggle. International practice shows that most nations establish an institution, often called the National Security Council, with specific coordinating functions for their efforts to enhance national security. Different countries established different types of such institutions, which commonly differ from each other by the level of the power they possess in performing their functions. The amount of power each nation has endowed on its NSC depends upon the number of the nation's characteristics such as the definition of the national interests, the nation's perception of the external and internal threats, and the current international and regional security environment.

This chapter discusses cases of institutionalization in the national security sphere based on examples from the U.S. National Security Council and the Security Council of the Czech Republic. These two national security institutions have been chosen to illustrate the differences in institutional design that depend on the particular definition of national security and on the missions and appropriate status that national security institutions can be granted according to their national security strategies. The U.S. case represents an approach that involves a group of high ranking executive advisors to the head of a state, which constitutes the principal forum for considering national security and foreign policy issues and serves as the instrument for allocating the handling of these issues by various government agencies. The Czech Republic's case is an example of a NSC designed as a reinforcing unit in charge of specific issues, particularly security issues, within the body of the institution that is in charge of national security management, prescribed to support the security decision makers with analytical materials and expertise, able to become an operational center when crises arise.

These experiences are compared to Mongolia's example of institutionalizing its security sphere, making it easier to understand the importance of an independent national security policy coordinating institution in the particular security environment that Mongolia faces. Thus, discussion on possible perspectives for improving the effectiveness of the NSC follows the discussion on international experience.

## **B. THE U.S. NATIONAL SECURITY COUNCIL**

The National Security Council of the United States is one of the oldest and most experienced of its kind, having been established in 1947. Its birth reflected a new turning point in American foreign policy and national security organization.<sup>46</sup> In addition, being on the edge of foreign and military policy of the United States, the National Security Council is one of the most reactively and flexibly developed agencies in the American political decision-making system. This section draws attention to the development of the role of the NSC, its staff and the Assistant to the President for National Security Affairs on the process of policy formulation in the United States. It also touches on the issue of how the size and structure of the NSC staff and the authorities of the Council in the system of inter-agency policy coordination have been changed and whether the purpose of the NSC has been influenced.

In order to evaluate the role of the National Security Council in the American decision-making system, it is first necessary to draw special attention to the field of the United States' national security. As stated in the first National Security Presidential Directives that replaced both the Presidential Decision Directives and Presidential Directives, "National security includes the defense of the United States of America, protection of our constitutional system of government, and the advancement of United States' interests around the globe."<sup>47</sup> Clear and precise definitions of the issues covered by the notion of 'national security' compose the first valuable components of America's construction of a system to implement a national security policy.

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<sup>46</sup> Michael J. Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State, 1945-1954*, pp. 65, 165-166, Cambridge University Press, 20.

<sup>47</sup> National Security Presidential Directives. *Organization of the National Security Council System*. 13 February 2001, Available [On-Line]: [<http://www.fas.org/irp/offdocs/nspd/nspd-1.htm>], accessed 12 August 2002.

According to the stated definition, the United States' national security is limited to the state's interests and leaves aside the interests of the American society or the individual. As a result, the National Security Council system has a "state-oriented" purpose "... to coordinate executive departments and agencies in the effective development and implementation of ... national security policies"<sup>48</sup> that includes domestic, foreign, military, intelligence-oriented, and economic functions. The NSC, as it exists in its current form, was established to coordinate the activities of executive departments in the security sphere. In order to facilitate the work of the NSC presidential administrations from Richard Nixon to George W. Bush different interdepartmental working groups or committees were established.<sup>49</sup> Such groups as the Washington Special Action Group in the Nixon and Ford administrations, the Policy Review Committee in the Carter administration, the National Security Policy Group in the Reagan administration, and the NSC Principals Committee in the Bush and Clinton administrations established the basis for the United States' unique approach to coordinating the executive branch in the national security sphere.

The present administration developed this experience, and in addition to the NSC Principals Committee, which since its establishment in 1989 continues to be the primary interagency forum for the consideration of policy issues affecting national security, and the NSC Deputies Committee (a sub-Cabinet interagency forum), established the NSC Policy Coordination Committees responsible for the management of the development and implementation on national security policies by multiple agencies of the United States' Government.

The NSC Policy Coordination Committees (NSC/PCCs) shall be the main day-to-day fora for interagency coordination of national security policy. They shall provide policy analysis for consideration by the more senior committees of the NSC system and ensure timely responses to decisions

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<sup>48</sup> Ibid.

<sup>49</sup> Amos A. Jordan and William J. Taylor, *American National Security: Policy and Process*, Revised Edition; Baltimore: The Johns Hopkins University Press, 1984.

made by the President. Each NSC/PCC shall include representatives from the executive departments, offices, and agencies represented in the NSC Deputies Committee.<sup>50</sup>

The present George W. Bush administration has assigned specialized functions to each of the seventeen committees in accordance with regional orientations or functional topics.<sup>51</sup> In addition to the Policy Coordination Committees of the NSC, the Chairman of each NSC/PCC, with the agreement of the Executive secretary, may establish subordinate working groups to assist the PCC in the performance of its duties. The development of a system that includes the coordination of contributions from the Heads of the executive institutions and their deputies and the day-to-day interagency coordination of experts shows the main value of the United States' model for the National Security Council. This model could be a useful exemplar for other countries. What makes this experience even more valuable is the fact that even having such wide authority over the executive agencies in the national security sphere through the branched net of the representatives and experts, the United States' presidents resisted the temptation to grant the NSC and its staff the right to conduct the management of the development and implementation of

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<sup>50</sup> National Security Presidential Directives, *Organization of the National Security Council System*, 13 February 2001, Available [On-Line]: [<http://www.fas.org/irp/offdocs/nspd/nspd-1.htm>], accessed 12 August 2002.

<sup>51</sup> Six NSC/PCCs are hereby established for the following regions: Europe and Eurasia, Western Hemisphere, East Asia, South Asia, Near East and North Africa, and Africa. Each of the NSC/PCCs shall be chaired by an official of the Under Secretary or Assistant Secretary rank to be designated by the Secretary of State. Eleven NSC/PCCs are hereby also established for the following functional topics, each to be chaired by a person of the Under Secretary or Assistant Secretary rank designated by the indicated authority: Democracy, Human Rights, and International Operations (by the Assistant to the President for National Security Affairs); International Development and Humanitarian Assistance (by the Secretary of State); Global Environment (by the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy in concert); International Finance (by the Secretary of the Treasury); Transnational Economic Issues (by the Assistant to the President for Economic Policy); Counter-Terrorism and National Preparedness (by the Assistant to the President for National Security Affairs); Defense Strategy, Force Structure, and Planning (by the Secretary of Defense); Arms Control (by the Assistant to the President for National Security Affairs); Proliferation, Counterproliferation, and Homeland Defense (by the Assistant to the President for National Security Affairs); Intelligence and Counterintelligence (by the Assistant to the President for National Security Affairs); and Records Access and Information Security (by the Assistant to the President for National Security Affairs), Information Available [On-Line]: [<http://www.fas.org/irp/offdocs/nspd/nspd-1.htm>], accessed 14 August 2002.

policies other than those directly connected to the national security sphere. Its main purpose remains “to advise the President with respect to the integration of domestic, foreign, and military policies relating to national security.”<sup>52</sup>

The status of the Assistant to the President for National Security Affairs in general determines the role of the Council as a decision-making department in the United States Government. The President appoints the National Security Adviser without the confirmation of the Senate. As such, he is not dependent on the political climate in the country as are the Secretaries of State and Defense. Therefore, the Assistant to the President for National Security Affairs is able to offer the President independent advice. The profile of the president’s National Security Adviser may vary from one administration to another and his role in the political decision-making system of the country does so as well. BBC experts have said:

Some, like Ms [Condoleezza] Rice’s mentor (and national security adviser to George Bush Sr.), Brent Scowcroft, were important, but low-profile coordinators of [security and] foreign policy. Others, such as Bill Clinton’s Sandy Berger, were more visible. Perhaps, the most powerful and visible national security adviser of recent years was Henry Kissinger, who started as national security adviser to Richard Nixon and then became his Secretary of State.<sup>53</sup>

Viewing the present situation, the significant involvement of Condoleezza Rice in representing the country in the global sphere, as well as her experience as a negotiator and plenipotentiary of the United States’ interests, tends to generate the conclusion that the National Security Advisor’s role is expanding. However, in the United States, the scope and the territory of the National Security Advisor tends to depend upon the personality of the candidate rather than on any clearly defined limits associated with the job.

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<sup>52</sup> National Security Presidential Directives, *Organization of the National Security Council System*, 13 February 2001, Available [On-Line]: [<http://www.fas.org/irp/offdocs/nspd/nspd-1.htm>], accessed 12 August 2002.

<sup>53</sup> BBC News. *Profile: Condoleezza Rice*. By US affairs analyst Ben Wright, Tuesday, 25 September 2001, 00:08 GMT 01:08 UK, Available [On-Line]: [[http://news.bbc.co.uk/1/hi/English/world/Americas/newsid\\_1561000/1561791.stm](http://news.bbc.co.uk/1/hi/English/world/Americas/newsid_1561000/1561791.stm)], accessed 26 June 2002.

Many experts agree, that in order to serve the President and the nation in the best way, “the National Security staff needs to be strong, small, subdued, selective in its issue engagement, and focused above all on management of policy process.”<sup>54</sup> However, such a vocational description tends to be idealistic and could be as useful as the dictum ‘the perfect politician should be young and experienced.’ The argument is the more the NSC is focused on management of the policy process, the lower the chances for it to remain “small, subdued and selective in its issue engagement.” Otherwise, this would influence the functional capacity of the NSC’s effectiveness and productivity. Thus, the rationality of the present National Security Adviser Condoleezza Rice’s decision to cut the NSC staff by 30 percent to about 70 policy professionals seems questionable. At the same time, Rice’s reorganization of the structure of the NSC staff may be useful. Her idea to curtail support offices and to create directorates that consolidate the activities of smaller field departments, in the author’s view, has clearly defined the general orientation of the NSC staff’s activity, simplified the coordination of its field experts and could positively influence the efficiency of the organization in general.

This view of the United States’ experiences in organizing the national security system helped in formulating the following conclusions. The United States appears to have a clear and precise definition of the notion of ‘national security’. The United States’ perception of national security is limited to the protection of the state but is not concerned with the additional interests of American society or the individual. To accomplish these goals, the President’s administration needs interagency cooperation among all branches attached to national security. The task of coordinating the activity of the state executive institutions have created the NSC in its current form. The status of the Assistant to the President for National Security Affairs in general determines its role in the political decision-making system. However, the personal characteristics of the National Security Advisor greatly influences the scope of his authority. Finally, the latest changes in the structure of the NSC staff has helped to specify the general orientation of its activity, has simplified the coordination of the field experts, and could positively influence the efficiency of the organization in general.

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<sup>54</sup> Ivo H. Daalder and I. M. Destler. *How Operational and Visible an NSC?* Brookings, 23 February 2001, Available [On-Line]: [<http://www.brook.edu/views/op-ed/daalder/20010223.htm>], accessed 27 August 2002.

### C. THE NATIONAL SECURITY COUNCIL OF THE CZECH REPUBLIC

The National Security Council of the Czech Republic is a relatively new creation. It was established pursuant to Article 9 of the Constitutional Act No. 110/1998 Coll. on the Security of the Czech Republic and details regarding its composition and activities are set forth in the Resolution of the Government of the Czech Republic No. 391 of 10 June 1998. As noted in the Statute of the National Security Council<sup>55</sup>, the National Security Council of the Czech Republic is a standing body of the Government in the area of security issues and its primary tasks are,

- to participate in the formation of a reliable national security system
- to ensure coordination of and control over the measures aimed at safeguarding the security of the Czech Republic and the compliance with international obligations<sup>56</sup>

In accordance with the outline of the previous section of this chapter, in order to evaluate the role of the National Security Council in a national security system, it is helpful to look at the Czech's definitions of its national interests and the primary tasks of its national security policy. The Security Strategy of the Czech Republic<sup>57</sup> stipulates that, "the primary task of the security policy is to protect the vital interests of the state" and "vital interests of the Czech Republic are its very existence, sovereignty, territorial integrity, the principles of democracy and a legal state, and the creation of the fundamental conditions for the lives of its citizens."<sup>58</sup> Compared to the United States, where national security is limited to the state's interests and leaves aside the interests of American society or the individual, the Czech Republic sees its national security in a broader view including the concerns of its society and private interests of its citizens. The

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<sup>55</sup> Resolution No. 391 of 10 June 1998, as amended by the Resolution No. 813 of 22 August 2001, Resolution No. 164 of 12 February 2003 on the National Security Council, and its resolution no. 980 of 1 October 2003 on the Planning of Measures to Ensure the Security of the Czech Republic, Available [On-Line]: [<http://wtd.vlada.cz/eng/vybory.htm>] accessed 10 February 2004.

<sup>56</sup> Statute of the National Security Council. Article 1-3. Available [On-Line]: [<http://wtd.vlada.cz/eng/vybory.htm>] accessed 10 February 2004.

<sup>57</sup> The first Security Strategy of the Czech Republic was approved by the Czech government as a basic conceptual document for government security policy on 17 February 1999. The adoption of this document was made before the Czech Republic joined NATO. The government approved the document with the proviso that it would be amended within two years. The Security Strategy was adopted by the Government on 22 January 2001. Available [On-Line]: [<http://wtd.vlada.cz/eng/vybory.htm>] accessed 10 February 2004.

<sup>58</sup> The Security Strategy of the Czech Republic. Available [On-Line]: [<http://wtd.vlada.cz/eng/vybory.htm>] accessed 10 February 2004.

Czech Republic's joining NATO and its preparations for EU accession have been the prime factors for defining its security policy. Becoming a member of NATO led to acquiring the security guarantees of a collective defense in accordance with Article 5 of the North Atlantic Treaty.<sup>59</sup> Membership entailed assuming the obligations to reinforce its own defense capacity and to share in the defense of its allies.

A comprehensive definition of its security and new security environment established when the Czech Republic joined NATO required an adequate security system. In this regard, the Czech Republic established a reasonably specific national security system, designed so that each of its components is able to execute the tasks laid down by law on its own, however, joint efforts in combating all forms of security concerns are not abolished. The Government of the Czech Republic is responsible for an efficient all-round operability of the entire security system.

As a standing body of the Government, the Czech NSC performs specific functions of the Government related to the safeguarding of national security, and as such, its membership is limited to nine members of the Cabinet, particularly the Prime Minister as a chairman, the 1<sup>st</sup> Deputy Prime Minister and the Minister of Interior as a deputy chairman and the ministers of Foreign Affairs, of Finance, of Defence, of Industry and Trade, of Transportation, of Health, and of Informatics, and their tenure is equal to the terms of office of the Government. NSC meetings are further attended by the Governor of the Czech National Bank, the Chairman of the Administration of State Material Reserves and by the Head of the Office of the Government of the Czech Republic. The President of the Republic is entitled to attend NSC meetings.

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<sup>59</sup> Article 5. The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security. Available [On-Line]: [<http://www.nato.int/docu/basicxt/treaty.htm>] accessed 10 February 2004.

The NSC maintains four standing working committees, the Central Crisis Staff and expert working groups. The standing working committees, the Committee for Foreign Security Policy Co-ordination (supervised by the Deputy Prime Minister and Minister of Foreign Affairs), the Defence Planning Committee (supervised by the Minister of Defence), the Civil Emergency Planning Committee (supervised by the 1<sup>st</sup> Deputy Prime Minister and Minister of Interior), and the Intelligence Activity Committee (supervised by the Prime Minister) are responsible for the interdepartmental coordination of the planning, preparation and implementation of measures in the national security fields. The Central Crisis Staff is an interdepartmental institution that has been created to deal with crisis situations concerning Czech security interests. The expert working groups deal with temporary issues that arise within NSC competencies, particularly with the preparation of background information for NSC meetings. They do not have their own statutes or rules of procedure and as a rule, are headed by a member of the NSC.

The Statute of the NSC stipulates, “NSC activities are organized by its Secretariat”.<sup>60</sup> The Defence and Security Section of the Office of the Government of the Czech Republic perform the function of the Secretariat, underlining the NSC status of the working body of the Government.

This assessment of functional and organizational requisites of the NSC of the Czech Republic leads to the following conclusion. The Czech Republic has a clear vision of its place in the international arena and particularly in Europe with a precise definition of its national interests, in line with its status as a democratic and politically, economically and socially stable middle-sized<sup>61</sup> European country. Along with concerns for its sovereignty, territorial integrity and very existence, the vital interests of the Czech Republic go beyond those traditional views of national security and include the protection of the principles of democracy and a legal state, and the creation of suitable living conditions for its citizens. Such a comprehensive security approach demands the full range of active inputs not only from governmental institutions, but also from society and the citizenry. The Czech Republic has established an efficient system of national security, whereby constitutional institutions and officials, namely, the President of the Republic;

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<sup>60</sup> Statute of the National Security Council. Article 10.

<sup>61</sup> The Security Strategy of the Czech Republic.

the Parliament of the Czech Republic; the Government of the Czech Republic; and also the NSC and its standing working bodies are playing the most decisive roles. The NSC is organized as a reinforcing attachment to the Government of the Czech Republic in the specific area of its activity, in the area of security issues, which in its turn, is legislated as a prime mentor of the national security policy. The NSC of the Czech Republic is a compact, capable institution with a relatively flexible organizational structure, which allows the NSC to prepare and submit expert proposals on the measures to safeguard national security to the Government for its consideration in times of peace and to become an effective operational unit for crisis management of the Government if a crisis situation arises. Finally, the Czech Republic's joining NATO and its ongoing preparations for accession to the EU significantly shapes its security environment and policies.

#### **D. PERSPECTIVES ON IMPROVING THE EFFECTIVENESS OF THE NSC**

It is obvious, from the experiences of the United States, the Czech Republic, and Mongolia, that the NSC structures, powers and the status they are given differs according to the differences in the country's degree of threat perception, which in turn, depends upon the nation's capabilities.

The United States, the world's most powerful nation at this time, perceives threats differently and its security policy is more state centric than that of the Czech Republic and Mongolia. U.S. national security includes the defense of the state, protection of its constitutional system of government, and the advancement of the United States' interests around the globe. The defense of the state and protection of the constitutional system are constant security concerns and they demand more stable and predictable policies to be secure. The securing of the advancement of the interests around the globe requires incredible flexibility of the policy evaluation and institutions to implement them. Thus, the most important decision-making authority on vital for the U.S. issues presented to the President of the United States and the NSC is the supporting body of his decision-making. In this sense, the further successes of the United State's NSC is increasingly seen through the closer incorporation of the Council's activities with those of the President of the United States and those successes can be measured only through a level of support that the Council will be able to provide to Presidential decision-making.

The Czech Republic is a middle-sized state, it has neither the influence of the United States nor the vulnerability of Mongolia, and thus sees the goals of its security policy in a wider view than the United States. In addition to the traditional issues, such as the concerns for the very existence of the state, its sovereignty, territorial integrity, the protection of democratic principles, and a legal state, the Czech Republic includes the creation of the fundamental conditions for the lives of its citizens to the end-goals of its security policy. The Czech Republic develops its national security policy not for the advancement of its interests worldwide, but to, “ensure the Czech Republic enjoys such conditions and international status that benefit the security and economic prosperity of the state.”<sup>62</sup> Having a relatively broader notion of national security, which includes the security of the individual, the Czech Republic made its Government responsible for all-round coordination of the nation’s effort to secure its interests, and the NSC is designed as a “prominent working body” of the Government in the field of national security. The daily administrative functions of the NSC are performed by part of the Office of the Government, highlighting its attachment to the Government.

Mongolia, as most small nations with greater vulnerability, sees its security in the greater view of emphasizing its survival in all dimensions with the physical endurance of not being invaded by a military force on the one hand, and survival of its ethnical identity from being assimilated by outnumbered neighbors on the other. As noted previously, Mongolia’s national security consists of concerns for its very existence, its constitutional social and state order, preservation of basic human rights and freedom of its citizens, economic, scientific, and technological security issues, information security, security of Mongolian civilization, the well being of its population and security of its gene pool, and ecological issues. Such a broad definition of national security requires an adequate system to ensure it. The national security system is comprised of the SGH, the President of Mongolia, the NSC, the Government, and its institutions assigned to ensure national security, local self-governing bodies and concerned officials.<sup>63</sup> Each of these state

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<sup>62</sup> Ibid., Chapter 4.

<sup>63</sup> The Law on National Security, Ulaanbaatar, 2001.

institutions has its own duties and powers vested either by the Constitution or by relevant laws but none are regarded as the primary decision-making body in the field of national security.

The NSC is a consultative body in charge of coordinating the activities of those assigned organizations and controlling how this coordination is being executed. Decisions of the Council, passed on issues discussed and agreed upon, are not directly executive acts and are only recommendations. The Law on National Security Council stipulates, “on the basis of the decisions of the Council and within their scope, the Highest and Central State Organizations, government officials shall take related decisions and execute them according to relevant rules.”<sup>64</sup> In this regard, each state institution is obliged to make its own decisions concerning national security within their jurisdiction, compliant with the decisions of the Council and they are equally responsible for national security. Thus, the NSC is independent, and not attached to any of the top state institutions, namely to the SGH, the President, or Government body with coordinative functions, responsible for the elevation and implementation of an integrated national security policy. The Council’s further success as well as its effectiveness will strongly depend upon its independent status within the national security system.

Although Mongolia’s definition of its national security and particular structure of the national security system suggests a more NSC independent organization, there is a quite strong and constant belief that the NSC is a Presidential institution. It is very common that not only an ordinary citizen but also relatively high-ranking state officials would say “the President’s NSC” or “the NSC at the President”. In reality, the President vested by the Constitution with the power “to head the NSC”, and the right “to head” is legislated as a right

- To define issues for discussion at a Council meeting, set a date for the meeting, and chair them;
- To submit a proposal to enlarge the composition of the Council to the SGH;
- To represent the Council in the implementation of state foreign and domestic policies;

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<sup>64</sup> The Law on National Security. Ulaanbaatar, 2001, article 9, ver 2.

- To form and operate a working group of the Council;<sup>65</sup>
- To appoint the Executive Secretary of the Council;<sup>66</sup>
- To appoint the experts of the Council.<sup>67</sup>

However, power to determine issues and schedule discussions of the NSC meetings, to establish working groups, to appoint the Executive Secretary and experts presents many advantages to the President ahead of the members of the Council. These powers are only concerned with the functions of the NSC but not the functions of the national security system. In this regard, the aforementioned definition of “to head” is not the same as to be “responsible for an efficient all-round operability the entire security system” that is the case for the Government of the Czech Republic. Therefore, the legal status of the NSC cannot be interpreted except as an independent player of the national security system, with specific functions prescribed by law and its functional duties and powers should not be intermixed with the separate powers and duties of the officials who constitute the NSC. These officials represent the NSC only during the NSC meetings they attend or when they perform particular duties under the Council’s order.

### **1. The Executive Secretary**

The only full-time official responsible for national security issues is the Executive Secretary of the NSC. However, his/her decision-making authority is limited to the Council’s internal and Office affairs. The Secretary’s primary duty is to render support to the members of the Council to execute their powers vested by law.<sup>68</sup> A vague term “to render support” certainly contains a number of proper definitions of the Secretary’s duties and powers. The most important are,

- To draft the issues for the Council’s discussions and submission to the President;
- To organize the evaluation of the decisions of the Council and coordinate activities of the Council’s rapporteurs and advisors;
- To organize the Council’s supervision on the implementation of its decisions;

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<sup>65</sup> Ibid., Article 5, ver 3/1-4.

<sup>66</sup> Ibid., Article 6, ver 2.

<sup>67</sup> Ibid., Article 6, ver 5.

<sup>68</sup> “The Regulations of Activities of the NSC,” part 3, ver. 2.22.

- To inform the members of the Council of the issues related to national security;
- To submit proposals on establishing working groups on particular issues of national security for Presidential consideration.

This range of important issues that goes beyond the notion of the simple term to “render a support to the members of the Council” inevitably requires a determination to include the appointment of an Executive Secretary of the NSC based on the consent of the SGH. The consent of the SGH would provide an increased importance to the position of the Executive Secretary making it more stable and the process of selection and appointment less dependant on the political situation and influence of powerful personalities. Due to the given powers and responsibilities, the Secretary must function as the manager of national security and primarily serve the institution of the NSC. Thus, the consent of the SGH would strengthen the secretary’s independent position and ensure the opportunity to be “an honest, non-controversial broker of the system.”<sup>69</sup> Possible discussions within the structure of the SGH, where the broadest representation of the political spectrum is more the rule rather than the exception, prior to the final vote on the appointment, would increase the chances for a meritocratic approach to the issue when a person’s expertise and professional skills will prevail over political identity and personal loyalty.

The current status of the position of the Executive Secretary as a political appointee<sup>70</sup> may increase its dependency on the political situation, while Mongolia’s threat environment, organization of a national security system and requirements of a national security policy implementation demand more insularity of the position from outcomes of regular changes in the nation’s political scene, and more opportunity to guarantee the effectiveness and continuity of the state’s integrated national security policy. Anthony Lake, President Clinton’s first National Security Advisor has cautioned,

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<sup>69</sup> Shoemaker, Christopher C., *The NSC Staff: Counseling the Council*, Westview Press, 1991, p. 111.

<sup>70</sup> The law on State Service identifies four categories of state servants; political-whose term is determined by elections and state servants who had relations with them, civil-civil servants or the state bureaucracy, the state special-military, police force and other law enforcement institutions’ personnel and supportive of all others depending on budget salaries.

A political appointee whose main credential is work on national security issues in political campaigns will have learned to think about national security issues in partisan context. The effect of his/her advise is likely to

be to lengthen the period of time during which a President, at the outset of a term, tries to make policy on the basis of campaign rhetoric rather than international reality<sup>71</sup>

Since Mongolia's national security strategy is one of the most invariable and relatively best defined long-term policies of the state, its execution requires much more stability, continuity, and precise coordinative functions, and the position of the Executive Secretary should be adequate based on those requirements. Moreover, the Executive Secretary of the NSC should be the only official able, based on all the duties and powers endowed, to assure stability and continuity of the execution of the state's national security policy during the transfer of power from one political group or politician to another as a result of elections. Therefore, it would be ideal if the Executive Secretary did not serve a four year term as in most state institutions, particularly the SGH, the President, and the Prime Minister, but a six year term in office, as the juries of the Constitutional Court enjoy. The status of a political appointee should be changed to civilian as well.

## **2. The Office of the NSC**

There is no doubt that the efficiency of the NSC, the smoothness and the exactness of the execution of its functions will greatly depend upon the professionalism and ability of the staff, the Office of the NSC, to provide sufficient support to the members of the Council to perform their duties. In this sense, the size, the structure, and the composition of the Office are key variables that will affect the effectiveness of the entire system of national security.

In determining the appropriate size, a balance between efficiency and flexibility should be accentuated. The Office should be large enough to cover the entire spectrum of national security issues with a high degree of expertise. The current size of the Office is about 10 people and functionally, employees are arranged to monitor specific areas of the national security contingency as defined by the Concept. For example, there are

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<sup>71</sup> Lake, Anthony. *Six Nightmares; Real Threats in a Dangerous World and How America Can Meet Them*. Boston, Massachusetts.: Little, Brown, 2000, pp. 261-262.

professionals in charge of economic, ecological, military, law enforcement or foreign policy issues of national security. At the same time, the staff must be small enough so that it is able to avoid the rigidity that marks most large organizations. Moreover, a large staff creates additional difficulties with budget financing and criticism from the Legislature, and the Government triggering meaningless debates on the issues of efficacy of the NSC as a whole. The current size of the Office staff seems to be the most appropriate for this particular organization for the functions of the Office and any attempts to expand, or discussions of a possible decrease of the staff, should be carefully avoided in the near future.

First, the Office of the NSC is a bureaucratic structure, so clear vertical lines of control and authority, responsibility, and accountability, are essential. However, excessive structuring may cause some rigidity and problems with organizational flexibility. In regards to the functional requisites of the Office, the latter will be very important and the purposes of supervision and accountability, which of course are necessary, should not be achieved at the expense of flexibility and intellectual freedom. An organization of the Office must allow its employees to interact with each other across nominal administrative lines, to form ad-hoc working groups to deal with specific issues, and to draw upon each others' expertise. The practice of forming ad-hoc working groups from staff members is very important, and proved its efficiency during preparations for the Council's meeting in the aftermath of the 9-11 terrorist attack and in the formation of Mongolia's first response to the event, which shaped the national security policy in a rapidly changing international security environment. As usual, this practice is being used very rarely and should be given increased importance.

The creation of the position of the Chief of Staff of the Office in 2002 alleviated most of the mundane administrative and staff supervision functions from the Executive Secretary allowing the redirection of more time and attention to policy substance. The Chief of Staff, in addition to the extensive expertise of dealing with national security issues, should demonstrate extraordinary administrative abilities and even talent, and rule the staff with an "iron hand". Since the processing of top-level national security decision-making requires perfectionism and exactness, these qualities that can be achieved in no other way.

Personal qualities and the methods for hiring the employees of the Office are very important. The office should be composed of personnel equally well versed in the process of planning as well as operational follow up, meaning they should be experienced in state civil service and well connected with all relevant ministries and agencies. However, they should not stay in the Office indefinitely. Rotation is one of the most important issues of personnel policies. It is not only the safest way to ensure that new ideas and fresh approaches continuously are being introduced into the system, but also it the best way to hedge against the folly of individual members losing touch with their original agencies.

The idea of rotation seems very appealing, but it is very complicated to implement. In practice, it is very hard for the Office to hire “good specialists” from various ministries and agencies. On the one hand, none are willing to lose an experienced employee and on the other hand, since the development of a professional career took place within a vocational system, it is hard to convince a particular person who fits the requirements of the Office of the NSC to lose three or four years of career status in favor of national security. Thus, formal or informal agreements between the NSC and relevant state institutions should be achieved to ensure the continuity of the professional careers of the personnel working for the Office. This informal agreement is mentioned because the Presidential decree on the rotation of the Office personnel exists and measures for ensuring the continuity of a career are carried out there, but the realization of those prescriptions is complicated due to the obvious reasons. For this reason, an informal agreement between high level managers is extremely crucial.

In summarizing this chapter, recent years have witnessed an increasing understanding of the issue that national security affairs should be managed more effectively. Coordinated efforts of the NSC will be more efficient if its immediate supportive institutions, the Executive Secretary and the Office, serve as a non-partisan, independent, and purely professional unit devoted to serving only the interests of national security.

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## V. CONCLUSION

The end of the Cold War significantly changed the international environment, and brought Mongolia both genuine opportunities and uncertainties. For the first time since the 17<sup>th</sup> century, the country was allowed to chart its own future and explore new opportunities for independently mastering its national security.

As it entered this new environment, Mongolia urgently needed to formulate new policy responses in addition to establishing institutions capable of implementing them.

As a small nation, Mongolia sees its security beyond the traditional understanding of security, emphasizing its survival in all dimensions with the physical endurance of not being invaded by a military force on the one hand, and survival of its ethnical identity from being assimilated by outnumbered neighbors on the other. Mongolia's national security concerns include apprehensions for its very existence, its constitutional social and state order, preservation of basic human rights and freedom of its citizens, economic, scientific, and technological security issues, information security, security for the Mongolian civilization, concerns for guaranteeing appropriate living conditions for its citizens, security of their gene pool, and ecological issues.

Such a comprehensive definition of national security determined the acquisition of the methods to secure it and the institutions to implement strategies and policies regarding the issues related to national security. The scope of the methods through which national security is to be secured is significantly broad including, "social, political, organizational, economic, diplomatic, military, intelligence and other legal means."<sup>72</sup> Although specific conditions for Mongolia's environment, namely its landlocked situation sandwiched between two world powers, suggests prioritizing political, diplomatic means over traditional military means, and international cooperative actions over unilateral ones.

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<sup>72</sup> The Concept of National Security of Mongolia. Ulaanbaatar 1992. Available [On-Line]: [[http://www.extmin.mn/concept\\_of\\_national\\_security\\_ofm.htm#104](http://www.extmin.mn/concept_of_national_security_ofm.htm#104)] accessed 25 January 2004.

In a relatively short period of time, Mongolia has successfully managed to establish a relatively efficient and complex system to secure its national security that is comprised of the SGH, the President of Mongolia, the NSC, the Government, and its institutions assigned to ensure national security, local self-governing bodies and concerned officials.<sup>73</sup> Each of these state institutions has its own duties and powers vested either by the Constitution or by relevant laws but none are regarded as the primary decision-making body in the field of national security. The Concept of National Security of Mongolia and other relevant legislations, approved by the SGH, provide the grounds for the participation of the judiciary, political organizations, NGOs and the citizens in the national security process endowing each of them with particular powers and duties.

Such a broad representation of contributors to the national security on this term requires much more precise management and proper orchestration of their activities related to national security. Mongolia has legislated the National Security Council as the only state institution responsible for this orchestration and its particular status determined by its organizational design and functional prerequisites makes it the core of the system. The NSC of Mongolia does not act as an “inner cabinet”, in case of the United States, or as a reinforcing attachment of the top executive body of the state, in the case of the Czech Republic. It is the state’s only horizontal structure that allows the highest state officials to manage the process of national security through unanimous decisions reached during the Council’s meetings. The NSC meetings are the only place where the highest state officials, namely the President, the Chairman of the SGH, and the Prime Minister, officially gather to exchange their views on the variety of issues concerning national security.

As in any other system, Mongolia’s national security system needs regular adjustments and enhancements. However, an idea of the NSC as a core element of system, not attached to any of the state’s vertically constructed structures, should not be affected by any modernization in the future. Organizational and functional imperfections

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<sup>73</sup> The Law on National Security. Ulaanbaatar, 2001.

that cause some cases of inefficiency and redundancies present in the activities of the NSC, should be adjusted but it should be done without affecting the original concept of the NSC.

Recent years have witnessed increased understanding of the processes of formulating national security issues and the procedures of security decision-making within the society. With the increase of such understanding, significant acceptance of the importance of coordinative functions of the NSC did occur.

Coordinating functions of the NSC will be more efficient if its immediate supportive institutions, the Executive Secretary and the Office, serve as non-partisan, independent, and purely professional units devoted to serving only the interests of national security.

The Executive Secretary of the NSC is the only full-time official responsible for national security issues. The effectiveness of the NSC, the accuracy of its decisions, and smoothness of their implementation is greatly dependent upon the institutionalization of the position of the secretary and personalities who serve on it. The success of the Secretary's mission will be more connected to the increase of its insularity from the current political situation and the influence of powerful personalities rather than the increase of its executive authority. Increased insulation from current politics suggests that the issue of the appointment of the Secretary to be done with the consent of the SGH, making the status of the position civilian and not a political appointee as well as increase the term of office.

The professionalism of employees in the Office of the NSC, no doubt, is greatly implicated in the effectiveness of the NSC. Hence, the size, structure, and the composition of the Office are key features that affect its effectiveness.

A balance between efficiency and flexibility should be accentuated. The Office should be large enough to cover the entire spectrum of national security issues with a high degree of expertise, while it should be small enough so that it is able to avoid the rigidity that marks most large organizations. In this sense, the current size is the most appropriate for the time being.

The structure of the Office must provide clear vertical lines of control, authority, responsibility, and accountability, while the destruction of an excessive structurization should not be forgotten to avoid rigidity and problems in organizational flexibility.

The personal qualities of the employees are very important. The office should be composed of personnel equally well versed in the process of planning as well as operational follow up, meaning they should be experienced in state civil service and well-connected with all relevant ministries and agencies. A principle of rotation, as an efficient way of bringing new ideas and fresh approaches, and sufficient tools against the folly of individual members losing touch with their original agencies, should be taken into account.

Significant steps have been taken to increase the effectiveness and smoothness of the activities of the NSC since its inception. However, the implementation of the aforementioned recommendations will further enhance NSC's effectiveness.

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